

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

VOLUME 19. Part 12. Pp. 277—290

## OPINION 525

Determination of the relative precedence to be accorded to the names *Coluber pictus* Gmelin (J.F.), [1789], and *Coluber boiga* Lacépède, 1789 (Class Reptilia)

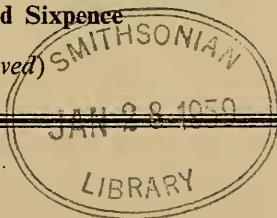
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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 525

### A. The Officers of the Commission

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(12th August 1953)

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*Secretary* : Mr. Francis HEMMING (*London, England*) (27th July 1948)

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(*Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology*)

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(1st January 1947)

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Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

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Dr. K. H. L. KEY (*Commonwealth Scientific and Industrial Research Organisation, Canberra, A.C.T., Australia*) (15th October 1954)

Dr. Alden H. MILLER (*Museum of Vertebrate Zoology, University of California, U.S.A.*) (29th October 1954)

Doc. Dr. Ferdinand PRANTL (*Národní Museum v Praze, Prague, Czechoslovakia*) (30th October 1954)

Professor Dr. Wilhelm KÜHNELT (*Zoologisches Institut der Universität, Vienna, Austria*) (6th November 1954)

Professor F. S. BODENHEIMER (*The Hebrew University, Jerusalem, Israel*) (11th November 1954)

Professor Ernst MAYR (*Museum of Comparative Zoology at Harvard College, Cambridge, Massachusetts, U.S.A.*) (4th December 1954)

Professor Enrico TORTONESE (*Museo di Storia Naturale "G. Doria," Genova, Italy*) (16th December 1954)

## OPINION 525

### DETERMINATION OF THE RELATIVE PRECEDENCE TO BE ACCORDED TO THE NAMES "COLUBER PICTUS" GMELIN (J.F.), [1789], AND "COLUBER BOIGA" LACEPEDE, 1789 (CLASS REPTILIA)

**RULING** :—(1) It is hereby directed that precedence be accorded to the specific name *pictus* Gmelin (J.F.), [1789], as published in the combination *Coluber pictus*, over the specific name *boiga* Lacépède, 1789, as published in the combination *Coluber boiga*, these being names published in different works on unknown dates in the same year (1789), and each therefore ranking for priority as from 31st December of that year.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name Number 1574 :—

*pictus* Gmelin (J.F.), [1789], as published in the combination *Coluber pictus*, a name taking precedence under (1) above over the specific name *boiga* Lacépède, 1789, as published in the combination *Coluber boiga*.

#### I. THE STATEMENT OF THE CASE

In an application regarding the generic name *Ahaetulla* Link, 1807 (Class Reptilia) and other associated names submitted in March 1956 by Dr. J. M. Savage (then of *Stanford University, California, U.S.A.* and now of the *University of Southern California, Los Angeles*) and Dr. J. A. Oliver (*New York*)

*Zoological Society, New York*) reference was made in connection with the generic name *Dendrelaphis* Boulenger, 1890, to the specific name *boiga* Lacépède, 1789, as published in the combination *Coluber boiga*, which was there treated as having priority over the specific name *pictus* Gmelin (J.F.), [1789], as published in the combination *Coluber pictus*. Professor Dr. Robert Mertens (*Senckenbergische Naturforschende Gesellschaft, Forschungs-Institut und Natur-Museum Senckenberg, Frankfurt a. Main, Germany*), while supporting the actual proposals submitted by the foregoing specialists, strongly dissented from the view expressed in their application on the question of the relative precedence which should be accorded to the names *Coluber boiga* Lacépède, 1789, and *Coluber pictus* Gmelin, [1789]. After setting out his grounds for considering that preference should be given to the specific name *pictus* Gmelin, Professor Mertens submitted a definite request to the Commission that it should give a Ruling in that sense. The communication so received from Professor Mertens, which was dated 11th August 1956, was as follows :—

**Proposal that as between the names “pictus” Gmelin (“Coluber”) and “boiga” Lacépède (“Coluber”), published in 1789 on the same date, preference should be given to the former name. (Supplement to application by J. M. Savage and J. A. Oliver in regard to the generic name “Ahaetulla” Link, 1807.) (Class Reptilia)**

By ROBERT MERTENS<sup>1</sup>

(*Senckenbergische Naturforschende Gesellschaft,  
Frankfurt a. M., Germany*)

. . . . .

2. I am in agreement with the opinion expressed by Savage and Oliver in regard to the availability of the name *Coluber boiga* Lacépède, 1789 (*Quadr. Ovip.* 2 : 102). Nevertheless, I adhere to the view that the specific name *boiga* Lacépède, 1789, is not taxonomically valid—a

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<sup>1</sup> The first paragraph of the communication received from Professor Mertens was concerned only to record his support for the proposals regarding the generic name *Ahaetulla* Link, 1807, and associated questions submitted by Dr. Savage and Dr. Oliver. That paragraph has already been reproduced in *Opinion* 524 as one of the comments received in regard to that case and is accordingly here omitted.

point not discussed in Savage & Oliver's paper. The best known name for the snake to which the name *boiga* Lacépède applies is the name *pictus* Gmelin, [1789] (in Linnaeus, *Syst. Nat.* (ed. 13) 1(3) : 1116) as published in the combination *Coluber pictus*. This is the species currently known as *Dendrelaphis pictus* (Gmelin). This species is referred to under the name *pictus* Gmelin in numerous papers, e.g., by Boulenger in 1890 (*Fauna Brit. Ind.*, Rept. : 337) and again in 1894 (*Cat. Snakes Brit. Mus.* 2 : 78). There would not have been any doubt today as to the taxonomic validity of the name *pictus* Gmelin if Stejneger had not slipped into the error of stating that the name *Coluber boiga* Lacépède was published as early as 1788 and therefore that it had priority over the name *Coluber pictus* Gmelin. Misled by this mistake of Stejneger's, Schmidt (K.P. (1927, *Bull. Amer. Mus. nat. Hist.* 54 : 445) rejected the name *pictus* and introduced in its place the name *boiga*. Later Stejneger (*Copeia* 1933 : 201) himself corrected the mistake which he had made in this matter. Up to the time of Schmidt's paper this species had almost always been known by the name *pictus* Gmelin and it is necessary to examine the validity of the action which he then took. He cannot, in my opinion, be regarded as having acted in this matter as a First Reviser, since the name *boiga* and *pictus* were published in different books and Article 28 of the *Règles* (which embodies the First Reviser Principle) applies only to names published in the same book. Moreover, he did not proceed from the supposition that the above names were published on the same date. I am convinced indeed that Schmidt would never have given *boiga* precedence over the name *pictus* if at that time he had known that both names were published in the same year (1789).

3. The exact date of publication in 1789 is not known either for the name *Coluber pictus* Gmelin or for the name *Coluber boiga* Lacépède. Accordingly both names rank, under a decision by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* 4 : 223—225), as from 31st December of the above year, that being the earliest date on which it is definitely known that they were published. In the absence of a decision by the International Commission there is therefore no means by which to determine to which of the above names preference should be given. I accordingly ask the International Commission to resolve this difficulty by giving a Ruling that preference is to be given to the *pictus* Gmelin, the name most commonly used for the species concerned.

4. In addition to indicating my support for the proposals submitted by Savage & Oliver, I therefore ask the International Commission on Zoological Nomenclature :—

- (1) to give a Ruling that preference is to be given to the specific name *pictus* Gmelin, [1789], as published in the combination *Coluber pictus*, over the specific name *boiga* Lacépède, 1789,

as published in the combination *Coluber boiga*, these names being names published in different books on unknown dates in the same year ;

- (2) to place on the *Official List of Specific Names in Zoology* the specific name *pictus* Gmelin, [1789], as published in the combination *Coluber pictus*, the entry so made to be endorsed in the manner recommended in (1) above.

## II. THE SUBSEQUENT HISTORY OF THE PRESENT CASE

**2. Registration of the present application :** In the period immediately following the emergence of the problem arising in connection with the relative precedence to be accorded to the names *Coluber pictus* Gmelin, [1789], and *Coluber boiga* Lacépède, that problem was dealt with on the Commission's Registered File Number Z.N.(S.) 772, the File concerned with the application regarding the generic name *Ahaetulla* Link, 1807, and associated matters submitted jointly by Dr. Savage and Dr. Oliver, that being the application in the consideration of which the present problem was first brought to the notice of the Commission. Later, it was judged desirable to separate these two problems by treating each as a separate case. The Registered Number Z.N.(S.) 772 was retained for the consideration of the *Ahaetulla* case, the problem arising in connection with the specific names *pictus* Gmelin and *boiga* Lacépède raised by Professor Mertens being allotted the new Registered Number Z.N.(S.) 1220.

**3. Objection received from Jay M. Savage (University of Southern California, Los Angeles, California, U.S.A.) :** On receiving from Professor Mertens his request (paragraph 1 above) for a Ruling from the Commission granting precedence to the name *Coluber pictus* Gmelin, [1789], over the name *Coluber boiga* Lacépède, 1789, the Secretary at once notified Dr. Jay M. Savage (*University of Southern California, Los Angeles, California, U.S.A.*) as one of the specialists who in the application relating

to the name *Ahaetulla* Link, 1807, had expressed an opposite view on the relative precedence attributable to the foregoing names, and invited him to furnish a statement setting out his views on the proposal submitted by Professor Mertens. In response to the foregoing invitation Dr. Savage on 9th September 1956 addressed the following letter to the Office of the Commission in which he reaffirmed his view that preference should be accorded to the specific name *boiga* Lacépède over the specific name *pictus* Gmelin (Savage, 1957, *Bull. zool. Nomencl.* **13** : 32) :—

The two names in question both apply to the same species of Asian snake and Schmidt (1927) as the first reviser selected *boiga* over *pictus*. This selection, although not recognized under the Copenhagen decisions, must be retroactively changed if Mertens's proposal is accepted and his arguments do not seem to warrant such a change. In particular Dr. Mertens's statement that this snake is most generally known as *pictus* is questionable. Since Schmidt's publication the animal in question has been mentioned under the names *boiga*, *pictus*, and *ahaetulla*, most commonly under the last mentioned name. The name *pictus* was widely used for this species previous to 1927, although even then some authors favored *ahaetulla*. If frequency of usage is Dr. Mertens's only argument for using *pictus*, I must emphatically recommend the selection of *Coluber boiga* Lacépède, 1789, over *Coluber pictus* Gmelin, [1789]. This recommendation is in line with the proposal submitted to the Commission by Savage and Oliver (1956, *Bull. zool. Nomencl.* **12** : 147—152).

**4. Publication of the present application :** For the reasons already explained the communication from Professor Mertens which constitutes the application to the Commission in the present case was treated initially as a comment on the Savage/Oliver application regarding the generic name *Ahaetulla* Link, 1807. As such it was sent to the printer on 5th September 1956 and was published in Part 10 of Volume 12 of the *Bulletin of Zoological Nomenclature* on 31st October of the same year (Mertens, 1956, *Bull. zool. Nomencl.* **12** : 275—276).

**5. No comments elicited by the publication of the application in the present case :** The publication of Professor Mertens's application in October 1956 elicited no comments from any source.

6. Report submitted to the Commission by the Secretary at the close of the Prescribed Six-Month Waiting Period following the publication of the present case in the "Bulletin of Zoological Nomenclature": At the close on 1st May 1957 of the Prescribed Six-Month Waiting Period following the publication of the present application in the *Bulletin of Zoological Nomenclature*, Mr. Hemming prepared the following Report for the consideration of the Commission in which he set out the form of the Rulings which would be required, (a) if the Commission were to approve the proposal submitted by Professor Mertens, and (b) if, following the advice submitted by Dr. Savage, it were to reject that proposal:—

On the relative precedence to be accorded to the names "Coluber pictus" Gmelin and "Coluber boiga" Lacépède, names published in different works in the year 1789

By FRANCIS HEMMING, C.M.G., C.B.E.

(Secretary to the International Commission on Zoological Nomenclature)

The present note is designed to place before the International Commission in a connected form, the proposals which have been advanced by certain specialists as to the relative precedence to be assigned to two names published in different works in 1789 for an Asiatic snake to which reference was made incidentally in an application relating to the generic name *Ahaetulla* Link, 1807, by Jay M. Savage and James A. Oliver (1956, *Bull. zool. Nomencl.* 12 : 147—152), and on which later a proposal was submitted by Professor Robert Mertens (*Senckenbergische Naturforschende Gesellschaft*). The two names in question are: (a) *Coluber pictus* Gmelin (J.F.), [1789], in Linnaeus, *Syst. Nat.* (ed. 13) 1(3) : 1116; (b) *Coluber boiga* Lacépède, 1789 (*Quadr. Ovip.* 2 : 102). The circumstances of this case are set out in the following paragraphs.

2. The first reference to the above names in the present connection was made in paragraphs 7 (II) (A) and 8 of the application submitted by Savage and Oliver referred to above. In paragraph 7 those specialists gave a synonymic review of the genera involved in the *Ahaetulla* case in which they cited (: 149) the generic name *Dendrelaphis* Boulenger, 1890, as the valid name for the first of the two Asiatic genera with which they were concerned and added that the name *Tachyophis* Mertens, 1934 (type genus: *Coluber pictus* Gmelin, [1789]) was a junior synonym of *Dendrelaphis* Boulenger. In the same



paragraph Savage & Oliver stated that *Coluber pictus* Gmelin, [1789] was a junior synonym of *Coluber boiga* Lacépède, 1789. In the immediately following paragraph (paragraph 8) Savage & Oliver rebutted (: 150) a contention which had been advanced by Malcolm Smith in 1943 that the name *boiga* Lacépède was not a valid binominal name. (Savage & Oliver explained that the foregoing question was relevant to their application only through the need for disposing of an erroneous argument also advanced in 1943 by Malcolm Smith on the subject of the species to be accepted as the type species of *Ahaetulla* Link.)

3. The present matter was next raised in a note communicated to the Office of the Commission by Professor Robert Mertens on 11th August 1956 (1956, *Bull. zool. Nomencl.* **12** : 275—276). In this note Mertens gave his support for the whole of the proposals advanced by Savage & Oliver in the *Ahaetulla* case, including the sinking of *Tachyophis* Mertens, 1934, as a junior synonym of *Dendrelaphis* Boulenger, 1890. He accepted also the view of Savage & Oliver that the name *Coluber boiga*, as published by Lacépède in 1789, was a duly published name, but he strongly resisted the argument advanced by those specialists that that name should be given precedence over the name *Coluber pictus* Gmelin, [1789]. Mertens pointed out that this name had almost always been used for this snake up to 1927, and expressed the view that there would never have been any doubt as to its taxonomic validity if it had not been for an unfortunate mistake on the part of Stejneger when he assigned the date "1788" to Lacépède, for this had (incorrectly) implied that the name *Coluber boiga* Lacépède had a year's priority over the name *Coluber pictus* Gmelin. Later (in 1933) Stejneger corrected the mistake which he had made in this matter, but unfortunately in the meantime Schmidt (K.P.) had been misled (1927) into the use of the specific name *boiga* Lacépède in place of the name *pictus* Gmelin.

4. In a letter dated 9th September 1956 (1957, *Bull. zool. Nomencl.* **13** : 32) Savage questioned Mertens's statement that the species of snake concerned was most generally known as *pictus* and stated that subsequent to the publication of Schmidt's (1927) paper this species had been known by the names *boiga*, *pictus* and *ahaetulla*, most commonly—though incorrectly—by the last-mentioned name. Prior to 1927 the name *pictus* had been widely used for this species, though some authors had used the (incorrect) name *ahaetulla* for it.

5. Professor Mertens, to whom I had communicated a copy of Dr. Savage's letter of 9th September 1956 for observation, sent me on

29th September 1956 a further statement from which the following is an extract (Mertens, 1957, *Bull. zool. Nomencl.* **13** : 32) :—

. . . even since 1927 the specific name *pictus* is to be found very frequently in the literature up to most recent times ; for example, in the synopsis of the COLUBRIDAE by Werner (1930) ; in the taxonomically very essential papers on the genus of *Dendrelaphis* (or *Dendrophis*) by Meise & Hennig (1932, 1935) and by Mertens (1934) ; in all the papers by Bourret, Brongersma and Kopstein ; in the very important *Checklist of Snakes of the Indo-Australian Archipelago* by de Haas (1950) ; in the biometrical study of Bergmann (1955), etc. On the other hand the specific name *boiga* appears in only a few papers since 1927. In the literature of most recent times (since about 1943, when Malcolm Smith replaced *pictus* by *ahaetulla*) it is hardly found except in a paper of Savage (1952) . . .

6. Three questions are involved in this case, namely : (1) Where does the balance of usage lie as between the specific names *pictus* Gmelin and *boiga* Lacépède respectively ? (2) Has the relative precedence of the foregoing names already been determined under the *Règles* and if so, in what sense ? (3) If the relative precedence of these names has not as yet been determined how should it be determined, and to which of these names should precedence be given ?

7. The question of the relative weight of usage of the specific name *pictus* Gmelin as compared with *boiga* Lacépède (or other names) has been discussed in the letters received from Professor Mertens and Dr. Savage respectively. These letters have been summarised in paragraphs 3, 4 and 5 above and, as already explained, have been published in full in the *Bulletin*.

8. On the question whether the relative precedence of the specific names *pictus* Gmelin and *boiga* Lacépède has already been determined it is important to keep clearly in mind the distinction between the provisions in the *Règles* relating to the determination of the relative precedence of any two names published in the same work and on the same date and the provisions relating to the determination of the precedence to be accorded to any two names published in different works on unknown dates in the same year. The relative precedence of names falling in the first of these classes is subject to the First Reviser Rule (1953, *Copenhagen Decisions zool. Nomencl.* : 66—67, Decision 123). On the other hand, any names published in different works in a given year but on some unknown day and month rank for priority as from 31st December of the year in question (1950, *Bull. zool. Nomencl.* **4** : 223—225). The First Reviser Rule does not apply as between names published in separate works and, as correctly stated by Mertens (*loc. cit.* **12** : 276), the only means by which the relative

precedence to be accorded to any two such names can be determined is by means of a Ruling by the International Commission. No such Ruling has ever been given by the Commission in the present case and accordingly the position is that the relative precedence of the specific names *pictus* Gmelin and *boiga* Lacépède is at present indeterminate.

9. Professor Mertens has asked (*loc. cit.* 12 : 276) that (a) on the grounds of usage the Commission should give a Ruling according precedence to the name *pictus* Gmelin over the name *boiga* Lacépède, and (b) that, having done so, it should place the name *pictus* Gmelin on the *Official List*, endorsed as having been given precedence over the name *boiga* Lacépède. A corresponding application in the opposite sense has been made by Dr. Savage (*loc. cit.* 13 : 32) There is therefore a straight choice before the Commission to be made in the light of the evidence on the question of usage adduced by the specialists concerned.

10. Accordingly in the Voting Paper (V.P.(57)42) now submitted the Commission is being invited to vote for one or other of the following alternatives :—

(1) *Alternative “ A ” (Professor Mertens’s proposal) :*

(a) that a Ruling be given that precedence be accorded to the specific name *pictus* Gmelin, [1789], as published in the combination *Coluber pictus*, over the specific name *boiga* Lacépède, 1789, as published in the combination *Coluber boiga*, these names being names published in different works on unknown dates in the same year (1789), and each therefore ranking for priority as from 31st December of that year.

(b) that the under-mentioned specific name be placed on the *Official List of Specific Names in Zoology* :—

*pictus* Gmelin, [1789], as published in the combination *Coluber pictus*, the entry so made to be endorsed in the manner specified in (a) above.

(2) *Alternative “ B ” (Dr. Savage’s proposal) :*

(a) that a Ruling be given that precedence be accorded to the specific name *boiga* Lacépède, 1789, as published in the combination *Coluber boiga*, over the specific name *pictus* Gmelin, [1789], as published in the combination *Coluber pictus*, these names being names published in different works on unknown dates in the same year (1789), and each therefore ranking for priority as from 31st December of that year.

- (b) that the under-mentioned specific name be placed on the *Official List of Specific Names in Zoology* :—

*boiga* Lacépède, 1789, as published in the combination *Coluber boiga*, the entry so made to be endorsed in the manner specified in (a) above.

### III. THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**7. Issue of Voting Paper V.P.(57)42 :** On 15th May 1957 a Voting Paper (V.P.(57)42) was issued in which the Members of the Commission were invited to vote for one or other of the following “alternatives set out in paragraph 10 of the Report bearing the Registered Number Z.N.(S.) 1220 submitted by the Secretary simultaneously with the present Voting Paper [i.e. in the paragraph numbered as above in the paper reproduced in paragraph 6 of the present *Opinion*] in regard to the question of the relative precedence to be accorded to the specific name *pictus* Gmelin, [1789], as published in the combination *Coluber pictus*, and the specific name *boiga* Lacépède, 1789, as published in the combination *Coluber boiga* :—

Alternative “ A ” (Professor Mertens’ proposal) (grant of precedence to *pictus* over *boiga*)

or

Alternative “ B ” (Dr. Savage’s proposal) (grant of precedence to *boiga* over *pictus*) ”

**8. The Prescribed Voting Period :** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 15th August 1957.

**9. Particulars of the Voting on Voting Paper V.P.(57)42 :** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(57)42 was as follows :—

(a) *In favour of Alternative “ A ”, twenty-two (22) :*

Hering ; Vokes ; Prantl ; Lemche ; Holthuis ; Riley ;  
Jaczewski ; Dymond ; do Amaral ; Esaki ; Stoll ;  
Mertens ; Bodenheimer ; Boschma ; Key ; Bonnet ;  
Hemming ; Sylvester-Bradley ; Cabrera ; Bradley  
(J.C.) ; Tortonese ; Miller ;

(b) *In favour of Alternative “ B ”, one (1) :*

Hankó ;

(c) *On Leave of Absence, two (2) :*

Kühnelt ; Mayr ;

(d) *Voting Papers not returned :*

None.

**10. Declaration of Result of Vote :** On 16th August 1957, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(57)42, signed a Certificate that the Votes cast were as set out in paragraph 9 above and declaring that the proposal submitted in the foregoing Voting Paper as Alternative “ A ” had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**11. Preparation of the Ruling given in the present “ Opinion ” :** On 20th March 1958 Mr. Hemming prepared the Ruling given

in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(57)42.

**12. Original Reference for a Specific Name :** The following is the original reference for the specific name placed on the *Official List of Specific Names in Zoology* by the Ruling given in the present *Opinion* :—

*pictus*, *Coluber*, Gmelin (J.F.), [1789], in Linnaeus, *Syst. Nat.*  
(ed. 13) 1(3) : 1116.

**13. Compliance with Prescribed Procedures :** The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

**14. "Opinion" Number :** The present *Opinion* shall be known as *Opinion* Five Hundred and Twenty-Five (525) of the International Commission on Zoological Nomenclature.

DONE in London, this Twentieth day of March, Nineteen Hundred and Fifty-Eight.

*Secretary to the International Commission  
on Zoological Nomenclature*

**FRANCIS HEMMING**